

Article - Natural Resources

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§8–1813.1.

(a) Except as provided in subsections (b), (c), and (d) of this section, a local jurisdiction in the Atlantic Coastal Bays Critical Area shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the approved density provisions of the approved local program, provided that:

(1) The local jurisdiction develops, as part of its program, procedures to bring the lots or lands into conformance with the local critical area program to the extent possible, including the consolidation or reconfiguration of lots not individually owned; and

(2) The procedures developed in accordance with item (1) of this subsection are approved by the Commission.

(b) Land that was subdivided into recorded and legally buildable lots for which the subdivision received the local jurisdiction's final approval after June 1, 2002 but prior to program approval may be developed with a single family dwelling, if a single family dwelling is not already placed there, provided that:

(1) Development of the land conforms to the requirements of this title and Title 27 of the Code of Maryland Regulations; or

(2) The area of land is deducted from the local jurisdiction's growth allocation in accordance with § 8–1808.1(b) of this subtitle and COMAR 27.01.02.06.

(c) (1) (i) In this subsection and subsection (d) of this section the following words have the meanings indicated.

(ii) “Bayside mixed use district” means a district of existing large bayside parcels that:

1. Are essentially undeveloped with permanent structures;
2. Are suitable for large-scale commercial or mixed use development; and

3. Offer the opportunity for well-planned, efficient, and diversified comprehensive development.

(iii) 1. “Planned unit development” means a development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by the local jurisdiction.

2. “Planned unit development” includes a residential planned community.

(2) A planned unit development in a bayside mixed use district that has received the local jurisdiction’s final site approval and is legally buildable after June 1, 2002 but prior to program approval may be developed if:

(i) Development of the land conforms to the requirements of this title and Title 27 of the Code of Maryland Regulations;

(ii) The area is deducted from the local jurisdiction’s growth allocation in accordance with § 8–1808.1(b) of this subtitle and COMAR 27.01.02.06; or

(iii) The land:

1. Is designated as an intensely developed area;

2. Is exempted from the buffer designation in COMAR 27.01.09; and

3. Is part of a project that complies with Title 4, Subtitle 2 of the Environment Article.

(d) A local jurisdiction may include in the jurisdiction’s local critical area protection program, to be approved by the Commission, an alternative buffer provision for the development of a planned unit development in accordance with the planned unit development’s Step III approval, provided that:

(1) The planned unit development received Step III approval from the local jurisdiction prior to June 1, 2002;

(2) The planned unit development has received the local jurisdiction’s final subdivision approval and is legally buildable after June 1, 2002 but prior to program approval;

(3) The area is deducted from the local jurisdiction's growth allocation in accordance with § 8–1808.1(b) of this subtitle and COMAR 27.01.02.06, if applicable;

(4) The provision includes measures that protect water quality and fish, wildlife, and plant habitats in accordance with the intent of this subtitle and Title 27 of the Code of Maryland Regulations; and

(5) At least 75% of the dwelling units in the planned unit development comply with the buffer requirements in COMAR 27.01.09.01 and no dwelling unit has a buffer of less than 50 feet from existing or proposed tidal waters, tidal wetlands, or tributary streams.

(e) For purposes of implementing this subtitle, a local jurisdiction in the Atlantic Coastal Bays Critical Area shall have determined, based on land uses and development in existence on June 1, 2002, which land areas fall into the three types of development areas in accordance with Title 27 of the Code of Maryland Regulations.

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